

Amended Probate Notes for June 26, 2007

Probate notes are a recommendation as to the outcome of the petition. Unlike tentative rulings, they do not automatically become adopted as the order of the court. If you wish to have your petition preapproved or would like to continue the matter to cure defects, contact the probate examiner at (530) 406-6718 between the hours of 2 p.m. and 4 p.m.

Case: Probate Conservatorship of Juvinall
Case No. CV PB 05-47

The petitioner's Response to Probate Notes filed June 19, 2007, fails to adequately respond to the court's request for a declaration in support of conservator's fees which (a) separates her hours from her staff hours, and (b) states the skills and services of each staff person to justify \$80 per hour. Petitioner has not complied with CA Rules of Court, Rule 7.751(b), referring to Rule 7.702(5): *State the hourly rate of each person who performed services and the hours spent by each of them.* The court notes that petitioner is conservator of the estate only, and is therefore less persuaded that her duties handling the conservatee's financial affairs require "24 hours per day, seven days a week" attention. The court is inclined to deny the request for conservator's fees until petitioner has complied with the requirements of the Rules of Court.

Case: Probate Conservatorship of Ornelas
Case No. CV PB 07-102

The amended petition fails to state the proposed conservatee's address (Item 2) or whether he is entitled to Veteran's Benefits (Item 4b).

Petitioners have not yet filed:

1. Proof of service of the Citation on the proposed conservatee (Judicial Council form GC-320);
2. Proof of service of Notice of Hearing (Judicial Council form GC-020) which includes proof of 30 days' notice to Alta Regional Center. (Probate Code § 1822(e).);
3. The Confidential Supplemental Information form (Judicial Council form GC-312);
4. A new Confidential Conservator Screening Form signed by Patricia Ornelas is needed, because her screening form was signed by Santos Ornelas.

The court investigator has not yet filed his report.

Case: Probate Conservatorship of Slivkov
Case No. CV PB 07-24

It is recommended to grant the petition for termination of conservatorship of the person and estate.

Case: Estate of Hinsdale
Case No. CV PB 04-161

1. The petitioner has not filed the statement regarding the filing fee required by CA Rules of Court, Rule 7.552. The graduated filing fee requirement applies to estates filed after 8/18/03 and this matter commenced 6/24/04.
2. The petition does not state the current assets on hand, but refers only to the filed inventory. (CA Rules of Court 7.550 (b)(4).) Petitioner must list the assets to be distributed, detailing the amounts to each person, which are currently on hand. (CA Rules of Court 7.651.) A declaration which states the assets on hand, and the proposed distribution of those assets, should be filed.
3. A new order should be submitted which shows the proposed distribution of current assets on hand.

Case: In the Matter of Richard
Case No. CV P2 07-94

It is recommended to grant the petition for order authorizing proposed transactions involving real and personal property and order of support.